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LAW S of Maryland,

ENACTED

At a Session of Assembly, begun and held at the City of *Annapolis*, on *Thursday* the Tenth Day of *July*, in the Fifteenth Year of the Dominion of the Right Honourable *CHARLES*, Lord Baron of *Baltimore*, Absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, &c. *Annoq; Domini* 1729.



By *AUTHORITY*.

ANNAPOLIS:

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[Price Two Shillings to those who bought the whole Body of
Laws, and Two Shillings Six Pence to others.]



At a Session of ASSEMBLY, begun and held at the City of ANNAPOLIS, in MARYLAND, the Tenth Day of July, 1729, the following LAWS were Enacted.

An ACT repealing Part of an Act, Intituled, An ACT against Forging and Counterfeiting of Foreign Coins, Gold or Silver; made at a Session of Assembly, begun and held at the then Town and Port of Annapolis, the Twenty Sixth Day of March, Anno Domini 1707.

WHEREAS at a Session of Assembly, begun and held at the City of Annapolis, Anno 1707, there was an Act passed, to prevent, amongst other Things, the Clipping of all Sorts of Foreign Coins; but forasmuch as such Coins, both of Gold and Silver, do at this Time pass Current by Weight, and not by Tale, as heretofore, whereby the Mischiefs of Clipping are effectually prevented; and seeing that the Cutting or Clipping of Foreign Coins is now in some measure necessary for the making of Change; this present General Assembly taking into their serious Consideration the grievous Penalties inflicted by the said Act upon Persons Clipping Foreign Coins as aforesaid, have thought fit to repeal so much of the said Act as related thereunto:

WHEREFORE, *Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That that Part of the said Act that relates to Clipping the Coins therein mention'd, be, and is hereby utterly repealed, and made void.

A Supplementary ACT to the ACTS for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law, within this Province; and for Regulating Appeals from the Court of Chancery.

WHEREAS, in and by the said Act, amongst other Things, it is enacted and contained, That in all Appeals and Writs of Error from the Courts of Law, to the Governour and Council, it should and might be sufficient for the Council only, to hear and determine Matters of Controversy, whereof the first of the Council in Commission, being present, should preside; whose Judgment thereupon should be definitive, in as full and ample Manner, as if the said Governour were actually present and presiding.

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AND forasmuch as it hath happened, that the first in Commission of the said Council, thro' Sickness, or other Means, could not attend the Court of Appeals, by reason whereof, some Inconveniencies and Delays to Business have been,

BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in Case the Governour, and first in Commission of His Lordship's Council, be absent from the Court of Appeals, the Senior Councillor then present in Court, shall preside; and the said Court shall and may hear and determine any Matter before them, whether in Law or Equity, in the same Manner they might by the said Acts have done, in Case the Governour, or first in Commission, was actually present: And that the Judgment of those who shall be present, shall be as effectual, as if it were given by the Governour, or first nominated in His Lordship's Commission: *Provided*, there be Five Members of the said Court present.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That Appeals from the Court of Chancery, to the Court of Appeals, shall be subject to the same Regulation and Limitation, as to the Prosecution of them, as Appeals from the Courts of Common Law are: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

An ACT for the more effectual Punishing of Negroes, and other Slaves; and for taking away the Benefit of Clergy from certain Offenders.

WHEREAS several Petit-Treasons, and cruel and horrid Murders, have been lately committed by Negroes, which Cruelties they were instigated to commit, and hereafter may be instigated to commit with the like Inhumanity, because they have no Sense of Shame, or Apprehension of future Rewards or Punishments: And that the Manner of executing Offenders, prescrib'd by the Laws of *England*, is not sufficient to deter a People from committing the greatest Cruelties, who only consider the Rigour and Severity of Punishment:

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That when any Negroe, or other Slave, shall be convict, by Confession or Verdict of a Jury, of any Petit-Treason, or Murder, or wilfully burning of Dwelling-Houses; it shall and may be lawful for the Justices before whom such Conviction shall be, to give Judgment against such Negroe, or other Slave, to have the right Hand cut off, to be hang'd in the usual Manner, the Head severed from the Body, the Body divided into Four Quarters, and Head and Quarters set up in the most publick Places of the County where such Fact was committed.

AND

AND whereas several Felons have feloniously broke and enter'd several Shops, Store-houses, or Ware-houses, not contiguous to or used with any Mansion-house, and stolen from thence several Goods and Merchandizes; and that it hath been doubted whether such Offenders are, by any Law now in Force, excluded the Benefit of Clergy:

BE IT ENACTED AND DECLARED, by the Authority, Advice, and Consent aforesaid, That if any Person or Persons, shall, after the End of this Session of Assembly, break into any Shop, Store-house, or Ware-house, altho' such Shop, Store-house, or Ware-house, be not contiguous to, or used with any Mansion-house, and steal from thence any Goods, to the Value of Five Shillings, and be thereof convicted, by Confession, or Verdict of a Jury; such Offender, or Offenders, shall suffer Death, as Felons, without Benefit of Clergy: Any Law, Usage, or Custom, to the contrary, notwithstanding.

An ACT reviving and continuing an Act, Intituled,

An Act, ascertaining the Gauge and Tare of Tobacco-Hogsheads; and to prevent cropping, cutting, and defacing Tobacco taken on board Ships and Vessels upon Freight; and for laying Impositions on Tobacco per the Hoghead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying His Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed; and for taking off the Three-pence per Hoghead formerly raised for the Publick Charge.

BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act, Intituled, An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads, and to prevent cropping, cutting, and defacing Tobacco taken on board Ships or Vessels on Freight, and for laying Impositions on Tobacco per the Hoghead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying His Lordship's Alienation-Fines and Quit-Rents, for the Term therein proposed, and for the taking off the Three-pence per Hoghead formerly raised for the Publick Charge, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen, be and is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty.

PROVIDED ALWAYS, and it is the true Intent and Meaning of this Act, That this Act, or any Thing herein contained, shall not be construed or extend to repeal an Act, Intituled, An Act concerning Tobacco, and a Clause therein contained for repealing and abrogating such Part of an Act of Assembly, Intituled, An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, &c. so far as it relates to the Imposing a Penalty for the false Tareing of Tobacco-Hogsheads; but that so much of the said Act hereby intended to be revived, as relates to the Imposing a Penalty for the false Tareing of Tobacco-Hogsheads, shall continue re-
pealed

pealed and abrogated: Any thing in this Law to the contrary thereof, in any wise notwithstanding.

An ACT for the Laying out of Land, and erecting a Town at the Head of Port-Tobacco Creek, in Charles County.

WHEREAS the Inhabitants of *Charles-County*, by their humble Petition to the Legislature of this Province, have set forth, That the Land contiguous to that whereon the Court-house for the said County, is now Building, at the Head of *Port-Tobacco Creek*, is very convenient for a Town, being near the Center of the County, and commodious for Trade: And for that it appears to this General Assembly, that the erecting a Town at the Place aforesaid, will be advantageous, as well to the Inhabitants of the said County, as others Trading or Resorting thereto: It is therefore pray'd that it may be Enacted,

AND BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Colonel John Fendall, Major Robert Hanson, Mr. John Courts, Mr. Samuel Hanson, Capt. George Dent, Doctor Gustavus Brown, and Mr. Henry Holland Hawkins, or the Major Part of them, are hereby appointed Commissioners, and by Virtue of this Act authorized and impowered to agree for, and purchase Sixty Acres of Land at the Place aforesaid, and to cause the same to be survey'd and laid out in the most convenient Manner, so as to adjoin to and encompass the Lands belonging to *Port-Tobacco Church*, and the said Court-house.

AND BE IT FURTHER ENACTED, That the Commissioners aforesaid, or the Major Part of them, are hereby impowered to meet together at the Court-house at the Place aforesaid, some Time before the Thirtieth Day of *September* next: And the Commissioners aforesaid, shall give Notice to the Person or Persons interested in the said Lands, of such their Meeting, some convenient Time before, that such Person or Persons may (if he, she, or they, think fit) attend, in Order to treat with the Commissioners aforesaid, or the major Part of them, concerning the Purchase of the said Sixty Acres of Land. And in Case the Owner or Owners of the said Land shall neglect to appear, or wilfully refuse to make Sale of the same, or through Nonage, Coverture, *Non Sanæ Memoriae*, or any other Disability or Impediment whatsoever, be or are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall, and are (by Virtue of this Act) impowered and required to issue their Warrant, under their Hands and Seals, to the Sheriff of the said County, requiring him to impanel and return a Jury of the most substantial Free-holders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Place by them to be appointed; which Jury, upon their Oath, by the said Commissioners, or the major Part of them, to be administered, shall enquire, assess, and return, what Damages and Recompence they shall think fit

fit to be awarded to the Owner or Owners of the said Sixty Acres of Land, and all Persons therein concern'd, according to their several and respective Interests.

AND BE IT FURTHER ENACTED, by the Authority *aforesaid*, by and with the Advice and Consent *aforesaid*, That the Commissioners *aforesaid*, or the major Part of them, on purchasing the Land *aforesaid*, from the Owner or Owners thereof, or in case of Neglect, Refusal, or Disability, of such Owner or Owners as *aforesaid*, on making Inquisition by a Jury as is before directed, shall cause the Surveyor of the County *aforesaid*, for the Time being, to lay out One Acre of the said Sixty Acres, for a Market-Place; and the remaining Fifty Nine Acres, to divide into One Hundred equal Lots, allowing convenient Streets, Lanes, and Alleys, to be first survey'd and stak'd out: And the Lots *aforesaid*, shall be likewise distinguished by some Posts or Stakes, towards the Streets, Lanes, and Alleys, mark'd N^o. 1. 2. 3. and so on to 100. Out of which Lots the Owner of said Land, shall have Liberty to chuse any Two of said Lots; provided he make such Choice within Fifteen Days after such Town shall be so laid out. And after such Choice, the remaining Lots may be taken up by any Person or Persons, inhabiting within the County *aforesaid*; provided such Person or Persons, shall not be allowed to take up more than One Lot, during the first Four Months after laying out the same. And in case the Inhabitants *aforesaid*, shall not take up the said Lots within the Time *aforesaid*, that then any Person or Persons whatsoever, shall and may have free Liberty to take up the same.

AND BE IT FURTHER ENACTED, That the Damage and Recompence which the Jurors *aforesaid* shall assess, or the Sum which the Commissioners shall agree for, shall be paid to the Owner or Owners of the said Land, by such Person or Persons as shall take up the said Lots, proportionably to his or their Lot or Lots.

AND BE IT FURTHER ENACTED, That every Person who shall take up any of the Lots *aforesaid*, shall be obliged to build thereon, within Eighteen Months from the Time of such Taking up, a House that shall cover Four Hundred square Feet, exclusive of Sheds. And to the End, that the Houses *aforesaid* may be the more regularly placed,

BE IT ENACTED, That all the Houses to be erected on any the said Lots, shall be built on the Edge of some Street, Lane, or Alley, and front the same.

AND BE IT FURTHER ENACTED, by the Authority *aforesaid*, That the Commissioners *aforesaid*, or the major Part of them, shall return an Account of their Proceedings to the Clerk of the County, within Ten Days after the said Town shall be so laid out; who is hereby oblig'd to enter the same in the Land Records of the said County, and file and keep the Original Report in his Office; and that the Surveyor *aforesaid*, shall likewise return to the said Clerk, a fair Plat and Certificate of the said Town within the Time *aforesaid*, to be enter'd and fil'd as *aforesaid*; and that any Person or Persons, who shall think fit to take up any of the Lots *aforesaid*, shall apply to the said Clerk, who is hereby obliged to make an Entry in the said Records, of the Name or Names of the Person or Persons so applying, with the Day of the Month, Date of the Year,

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and Number of the Lot or Lots, by him, her, or them, so taken up: And the Person or Persons, who shall cause such Entry to be made, and shall build on such Lot or Lots according to the Directions, and within the Time limited by this Act, shall be vested with a good, sure, and indefeizable Estate of Inheritance, in Fee Simple, of, in, and to the Lot or Lots, by him, her, or them, so enter'd and built on, as aforesaid: Any Law, Statute, Usage, or Custom to the contrary thereof, in anywise, notwithstanding.

AND BE IT FURTHER ENACTED, That any Person or Persons, who shall take up any the Lot or Lots aforesaid, and shall neglect or refuse to build thereon, according to the Directions, and within the Time limited by this Act, such Person or Persons, so refusing or neglecting, shall intirely lose all his, her, or their Right, Title, Estate, Claim, and Interest, of, in, or to such Lot or Lots so taken up, and not built on as aforesaid. And it shall and may be lawful, for any Person or Persons whatsoever, to take up the said Lot or Lots, he, she, or they, making such Entry as is before by this Act directed, and paying such Sum or Sums as shall be first set and assess'd upon such Lot or Lots, to the Commissioners aforesaid, or such Person or Persons, as the said Commissioners, or the major Part of them shall think fit to appoint to receive the same, for the Publick Use, and Benefit of the said Town. And such second Taker-up, shall, by Virtue of such Entry, and Payment, and Building on such Lot or Lots, according to the Directions of this Act, within Eighteen Months, from the Time of such second Entry, be vested with the same Estate, as in and by this Act, is vested in, and settled on the first Taker-up. And in Case any the Lots aforesaid, shall remain untaken up at the End of Seven Years, from the laying out such said Town; that then, and in such Case, the Owner or Person Interested at first in the said Land, after such Time expired, shall be possessed and interested in said Lot or Lots, as in his or their first and former Estate: Any Thing in this Act to the contrary, notwithstanding.

AND BE IT ENACTED, That the Surveyor of the said County, shall be allowed for laying out and surveying said Town, and returning Plat and Certificate thereof to the Clerk, and paid in the County Levy, the Sum of Fifteen Hundred Pounds of Tobacco; and that the Clerk be likewise paid by the said County, for entering and filing such Plat, Certificate, and Report of the Commissioners aforesaid, such reasonable Fee or Reward, as the Commissioners aforesaid, or the major Part of them, shall think fit; and for every Entry to be made by the Takers-up, for each Lot, the Sum of Twelve Pounds of Tobacco.

AND BE IT FURTHER ENACTED, That the said Town, when laid out, as before directed, shall thence forward be called and distinguish'd by the Name of *Charles Town*, and not by any other Name or Distinction whatsoever.

AND BE IT FURTHER ENACTED, That nothing in this Act shall extend, or be construed to extend to prejudice any Person or Persons, his or their Heirs or Assigns, who have comply'd with the Requisites of the Act of Assembly, whereby Part of the said Land was actually survey'd and laid out into Lots, and then call'd *Chandler Town*, of their Title to, or Inheritance in said Lots: But that the said Persons, their

their Heirs and Assigns, shall remain in the same State, as if this Law had never been made. Saving also to His Most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights: Any Thing in this Act to the contrary thereof, in anywise, notwithstanding.

An ACT empowering and directing the Justices of the several Counties within this Province, to levy any Quantity of Tobacco, not exceeding Ten Pounds per Poll, on the Taxable Persons of any Parish in each of their respective Counties, on Application to them made, by the Vestry and Churchwardens of any Parish.

WHEREAS it is represented and made appear to this present General Assembly, that some of the Justices of the Peace within this Province, have refused to assess Tobacco on the Inhabitants of some Parishes, altho' Application hath been made to them, by the Vestry and Churchwardens, to that End:

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for, and the several Justices of the several County Courts within this Province, are hereby required and directed, on Application to them made, by the Vestrymen and Churchwardens of any Parish, yearly to assess the Parishioners of such Parish, any Quantity of Tobacco, not exceeding Ten per Poll on the Taxable Inhabitants thereof, be it for the Enlargement or Repairs of any Church heretofore, or hereafter to be enlarged, or for any other Charge that shall hereafter be judged by the Vestry and Churchwardens to be necessary for the Use of the same Parish: For collecting whereof, the Sheriff shall be allowed Five per Cent. without any Deduction.

PROVIDED ALWAYS, That an Account thereof be fairly kept, and yearly transmitted to the Governour and Council, by the Time, and according to the Directions of an Act of Assembly, Intituled, An Act empowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes: Any Law, Usage, or Custom to the contrary, notwithstanding.

An ACT for the Relief of Creditors, and to prevent Frauds and Deceits occasioned by secret Sales, Mortgages, and Gifts of Goods and Chattels.

WHEREAS divers Persons, being indebted to several of the Inhabitants of this Province, and Others His Majesty's Subjects, have Run away without making any Satisfaction to their Creditors, and either carried their Substance with them, or lodged the same in the Hands of some Persons in Trust to their own Use; or made secret and fraudulent Sales thereof, to the great Prejudice of Creditors, and the Discouragement of Trade: For Remedy whereof,

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BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That when, and as often as any Provincial Justice, or Justice of the Peace, shall be informed upon Oath, by the Testimony of one creditable Witness, or by any other probable Way, that any Person or Persons, is or are actually run away, or removed, in a secret Manner, from the Place of his, her, or their Abode, and shall have carried, or shall be about to remove and carry away any Part of his, her, or their Substance, to deceive his, her, or their Creditors, or abscond or fly from Justice, that it shall and may be lawful for such Justice, upon Application to be made to him, by any Creditor or Creditors of such run-away or absconding Person; and making it appear to such Justice, that such run-away or absconding Person is really and *bona fide* indebted to the Person or Persons making such Application, and in how much; it shall and may be lawful for such Justice to issue his Warrant to the Clerk of the County Court, or Provincial Court, as the Case shall require, to issue Attachment for what such Creditor or Creditors shall make appear to be due or owing to him, her, or them, as aforesaid: By virtue of which Warrant, and this Act, it shall and may be lawful for every such Clerk, to issue Attachment or Attachments in the usual Form, for the Debt or Damage that shall be so prov'd, and the incident Cost and Charge for such Creditor or Creditors against such run-away or absconding Person; to be directed to the Sheriff or Coroner, as the Case shall require: Any Law, Usage, or Custom to the contrary notwithstanding.

AND BE IT FURTHER ENACTED, That the same Proceedings shall be had on all Attachments to be so issued, and Security given on Condemnation of any Effects that shall be so attached, as are directed by the Act for regulating Attachments, and limiting the Extent of them on Attachments to be issued by Virtue thereof.

PROVIDED ALWAYS, That when any Creditor shall produce any Bond Bill, protested Bill of Exchange, promissary Note, or other Obligation, Writing, or Instrument, under the Hand and Seal or Hand of such run-away or absconding Person, such Creditor shall make Oath, or Affirmation (if a Quaker) that the whole Debt, or Part thereof, mentioning particularly what Part, if any Payment hath been, or shall be made of any Part, remains really and *bona fide* due and owing to such Creditor or Creditors: And that if the Debt shall be due upon Account, or Book Debt, that then the Creditor shall prove such Account, and how much thereof shall be due as aforesaid; which Account and Probate shall be lodged with the respective Clerks, before any Attachment shall issue.

AND WHEREAS, it has often happened that several Persons have heretofore secretly made over unto their Creditors, or pretended Creditors, or given their own Children, or Others, sundry Goods and Chattels, and yet kept the same in their own Possession, whereby they have been believ'd to be the Proprietors of such Goods and Chattels, and thereby procure to themselves Credit for considerable Sums of Money, and Quantities of Tobacco, to the great Prejudice of several Inhabitants of this Province and Others:

BE IT THEREFORE ENACTED, by the Authority, Advice, and Consent aforesaid, That from and after the End of this Session of Assembly,

sembly, no Goods or Chattels, whereof the Vendor, Mortgagor, or Donor, shall remain in Possession, shall pass, alter, or change, or any Property thereof be transferred to any Purchaser, Mortgagee, or Donee, unless the same be by Writing, and acknowledged before One Provincial Justice, or One Justice of the County where such Seller, Mortgagor, or Donor, shall reside; and be within Twenty Days recorded in the Records of the same County.

PROVIDED ALWAYS, That nothing in this Act shall extend, or be construed to extend, to make void any such Sale, Mortgage, or Gift, against such Seller, Mortgagor, or Donor, his Executors, Administrators, or Assigns only, or any claiming under him, her, or them.

An ACT for the Assessment of so much Tobacco, on the Inhabitants of All-hallows Parish, in Anne-Arundel County, as will build them a new Parish Church.

WHEREAS the Vestry-Men, Church-Wardens, and other the Inhabitants of *All-hallows* Parish, in *Anne-Arundel* County, have, by their Petition to this General Assembly, set forth, that their Parish Church is so decayed and antient, that it is dangerous being therein; and have prayed, that an Act may pass that so much Tobacco may be levied on the Taxable Persons of the said Parish, as will enable them to build a Church:

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of *Anne-Arundel* County Court, shall, and may, and they are hereby authorized and directed, on the Application of the Vestry-Men and Church-Wardens of the said Parish, to assess and levy on the Taxable Inhabitants of the said Parish, any Quantity of Tobacco, not exceeding Twenty Thousand Pounds of Tobacco, in any one Year; and to continue so doing Yearly, until there shall be a sufficient Quantity of Tobacco levied to erect and compleat a new Church in the said Parish; which said Tobacco, so to be levied, shall be collected by the Sheriff of *Anne-Arundel* County, for the Time being; who is hereby authorized and directed to collect the same; and who shall have for such Collection, at and after the Rate of Five *per Cent.* without any Deduction. And the said Tobacco, when so collected, shall be paid Yearly to the Vestry and Church-Wardens, who are hereby authorized and required to apply the same to the Building and Finishing a new Church in the said Parish.

An ACT for the further Assessment of Forty Thousand Pounds of Tobacco, on the Inhabitants of St. Anne's Parish in Anne-Arundel County, towards enlarging and repairing the Church in the City of Annapolis; and building a Chappel of Ease in the said Parish; and for a Payment of a Fourth Part of the Charge, by a Publick Assessment on the whole Province, for the Enlargement and Reparation of the said Church.

WHEREAS it appears to this General Assembly, by the Representation of the Inhabitants of St. Anne's Parish, in Anne-Arundel County, That the Quantity of Forty Thousand Pounds of Tobacco, granted to be assessed on them, by Virtue of an Act for Repairing and Enlarging of the Church in the City of Annapolis; and for the building a Chappel of Ease, &c. was not sufficient for that Purpose :

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Anne-Arundel County Court, shall and may, and they are hereby authorized and directed, on the Application of the Vestry and Church-Wardens of the said Parish, to assess and levy, by Two further several Assessments (over and above the Forty Thousand Pounds of Tobacco granted to be assessed and levied by Virtue of the aforementioned Act) on the Inhabitants of the said Parish, any Quantity or Quantities of Tobacco not exceeding in the Whole the Quantity of Forty Thousand Pounds of Tobacco. And which said Quantity or Quantities of Tobacco, so to be assessed and levied, shall be collected by the Sheriff of the said County; who is hereby authorized and directed to collect the same; and who shall have for such Collection, at and after the Rate of Five Pounds *per Cent.* And the said Tobacco, when so collected, shall be paid to the said Vestry and Church-Wardens; who are hereby authorized and required to apply the same for the Enlargement and Reparation of the said Church, and building of the Chappel aforesaid, in the same Manner, as the Quantity of Forty Thousand Pounds of Tobacco, already granted to be assessed and levied as aforesaid, was directed to be applied.

AND WHEREAS, It is very fit that there should be Pews in the said Church of *Annapolis*, particularly assigned for the Use of the Governour of this Province, and the Members of His Lordship's Council, and the Speaker of the House of Delegates, and Members of the same House :

BE IT ENACTED, That the Vestry and Church-Wardens aforesaid, shall, and they are hereby impowered and directed to leave, or cause to be left, a Place and Room vacant in the Body of the Church, large enough to contain these Pews, *viz.* A handsome One for the Governour of this Province; another for the Honourable the Members of His Lordship's Council, if they shall be pleas'd to leave or disuse the Pews, which they at present possess in the Gallery of the said Church; also another Pew for the Honourable the Speaker of the House of Delegates; and Five others, large

large and commodious, for the Members of the said House : The said several Pews to be built and erected at the Publick Charge of this Province.

AND BE IT ENACTED, by the Authority, Advice, and Consent aforesaid, That one full Fourth Part of all the Charges and Expenses, which shall be laid out and expended in and about the said Enlargement and Reparation of the said Church, shall, upon the Application of the Vestry and Churchwardens of the said Parish, to the General Assembly, be levy'd by a publick Assessment on the Inhabitants of this Province ; to be collected in the same Manner as other publick Assessments, and paid to the said Vestry and Churchwardens, towards the said Enlargement and Reparation.

An ACT for erecting a Town on the North Side of Patapsco, in Baltimore County ; and for laying out in Lots Sixty Acres of Land, in and about the Place where one John Fleming now lives.

WHEREAS, several of the Inhabitants of *Baltimore County*, have, by their Petition to this General Assembly, set forth, That a Town is much wanting on the North Side of *Patapsco-River* ; and that it is generally agreed, that Part of a Tract of Land, whereon a certain *John Fleming* now lives, and suppos'd to be the Right of the Heirs of *Charles Carroll*, Esq; deceas'd ; which said Tract is commonly known by the Name of *Cole's Harbour* :

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That *Mr. Thomas Tolley*, *Mr. William Hamilton*, *Mr. William Bucknar*, *Doctor George Walker*, *Mr. Richard Giest*, *Doctor George Buchanan*, *Mr. William Hammond*, or any Three of them, shall be, and are hereby appointed Commissioners for *Baltimore County* aforesaid ; and are hereby authorized and impowered, as well to agree for the Buying and Purchasing Sixty Acres of Land out of the Tract aforesaid, and such Part, not exceeding Sixty Acres, as lies most convenient to the Water, as for Surveying and Laying the same out in the most convenient Manner into Sixty equal Lots, to be erected into a Town.

AND BE IT FURTHER ENACTED, That the Commissioners aforesaid, herein before nominated and appointed, or the major Part of them, are hereby impowered sometime before the last Day of *September*, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto ; and shall then and there treat and agree with the Owner or Owners, and Persons interested in the said Sixty Acres of Land, for the same ; and after Purchase thereof, shall cause the same to be surveyed and laid out ; and after the same be so survey'd and laid out, shall cause the same Sixty Acres to be mark'd, stak'd out, and divided into convenient Streets, Lanes, and Allies, as near as may be into Sixty equal Lots, mark'd by some Posts or Stakes towards the Streets, or Lanes, with Number One, Two, Three, Four, and so on to Sixty, to be divided and laid out ; of which Lots the Owner or Owners of the said Land

Land shall have his or their first Choice for one Lot; and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Sixty Acres, during the first Four Months after laying out the same: And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out as aforesaid, it shall then be lawful for any Person or Persons whatsoever to take up the said Lot or Lots paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Sixty Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall, and are by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited; which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Sixty Acres of Land, and all Persons interested therein, according to their several and respective Interests: And what Sum of Tobacco the said Jury shall adjudge the said Sixty Acres to be worth, shall be paid to the Owners so found by their Verdict, and all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots; which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple, in the said Lot or Lots; he or they complying with the Requisites in this Act mentioned.

AND BE IT FURTHER ENACTED, That the Surveyor of *Baltimore* County, for the Time being, shall have and receive for Surveying and Laying out the Town aforesaid, the Sum of Fifteen Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots, refuse and neglect to build upon such Lot or Lots within Eighteen Months an House that shall cover Four Hundred square Feet; that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the publick Use and Benefit of the said Town, and to be taken up a second Time.

PROVIDED ALWAYS, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good Estates to all Intents and Purposes to such second Taker-up and Builder as aforesaid, his Heirs and Assigns as is in and by this Act before limited and settled upon the first Taker-up and Builder. And in Case any of the said Lots shall

shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then, and in such Case, the Owner or Persons interested at the first in such Land, shall, after such Time expired, be possess'd and interested in the said Lot or Lots, as in their first and former Estate: Any Thing in this Act to the contrary, notwithstanding.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid, be called by the Name of Baltimore Town.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings; and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Baltimore County Court, for the Inspection of any Person.

SAVING to His Most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights: Any Thing in this Act to the contrary thereof in anywise, notwithstanding.

An ACT for the Assessment of Ten per Poll on the Taxable Persons in Saint Paul's Parish, in Queen Anne's and Talbot Counties, the next Levy, and Ten per Poll the ensuing: Also for the assessing Ten per Poll, Yearly, on the Taxable Persons in St. Luke's Parish, in Queen Anne's County, until they shall have raised Sufficient to compleat a Church in the said Parish.

WHEREAS, by a late Act of Assembly made at a Session of Assembly, begun and held at the City of *Annapolis*, the Third Day of *October*, Anno Domini One Thousand Seven Hundred and Twenty Eight, Intituled, *An Act for dividing of St. Paul's Parish, in Queen Anne's County and Part of Talbot County*, amongst other Things, it was enacted, that it might be lawful for the Justices of *Queen Anne's* and *Talbot* Counties, to cause to be levy'd on the Taxable Persons in *St. Luke's* Parish, any Quantity of Tobacco, not exceeding Thirty Thousand Pounds of Tobacco, for the building of a Church in the said Parish: And it appearing to this General Assembly, that Thirty Thousand Pounds of Tobacco is not sufficient to erect a Church in said Parish: It also appearing that the Inhabitants of *St. Luke's* Parish were assessed towards building or repairing Two Brick Churches in *St. Paul's* Parish aforesaid, (one of which Churches, and Part of the Parish, lies in *Talbot* County,) whereof they now have no Benefit; and it being thought reasonable that the Taxable Persons in *St. Paul's* Parish should contribute something towards the building a Church in *St. Luke's* Parish.

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Queen Anne's, and the Justices of Talbot County Courts, shall, and may, and are hereby authorized and required to assess and levy Ten Pounds of Tobacco per Poll, on the Taxable Persons in St. Paul's Parish, the next ensuing Assessment or Time of laying the Levy, and Ten per Poll the Year after; and which said Tobacco when assessed and levy'd, shall be collected by the Sheriffs of Queen Anne's and Talbot Counties, who are hereby authorized and directed to collect the same; and such Sheriffs shall have Five *per Cent.* for collecting the same; and the said Tobacco when collected, shall be paid by the said Sheriffs, to the Vestry and Church-Wardens of St. Luke's Parish, who are hereby authorized and required to apply the said Tobacco towards the building a Church in the said Parish of St. Luke's.

AND BE IT FURTHER ENACTED, by the Authority, Advice, and Consent aforesaid, That the Justices of Queen Anne's County Court, shall Yearly and every Year, at the Time of laying the County Levy, assess on the Taxable Persons in St. Luke's Parish aforesaid, Ten per Poll, until there shall be Tobacco sufficient raised to compleat the Church, over and above all other Assessments on the Taxable Persons in the said Parish, to be collected, levy'd, paid, and apply'd, as aforesaid; for Collection of which, the Sheriff shall have Five *per Cent.*

An ACT concerning the Parishes in St. Mary's and Charles Counties.

WHEREAS, at a Session of Assembly begun and held at the City of Annapolis, the Third Day of October, Seventeen Hundred and Twenty Eight; an Act of Assembly was made, Intituled, *An Act for the better Regulating the Parishes in St. Mary's and Charles Counties*; whereby Power was given to the Persons therein named Commissioners, to meet at the Time and Place therein also mentioned, for to regulate and divide the several Parishes in the said Counties.

AND WHEREAS, in Pursuance of the said Act, the major Part of the said Commissioners did (at the Time and Place) meet, and proceed to execute the Authority thereby given them; and did lay out the said Parishes in the following Manner, as by the Return thereof to this present General Assembly appears, *viz.* For William and Mary Parish, in St. Mary's County, All the Land lying below the *Wading-Place* of the *Ordinary-Run*, with a streight Line from thence, to the *Northermost Branch* of *Lewis's Creek* on *Patuxent River*.

FOR King and Queen Parish, in St. Mary's County, all the Land lying above the *Wading-Place* of the aforesaid *Ordinary-Run*, running along the main Road, towards the Court-House, until it comes unto a Right-Hand Road, leading unto and by *John Farbee's*, from thence by *John Ford's* Plantation, until it comes to *Christopher Orrill's*, so along the Road, until it comes to *Resurrection-Hundred*, and so with the Bounds of *Newton-Hundred*;

Hundred; excepting the following Plantations, viz. *John Nott's, Adam Clark's, Thomas Mooney's, Luke Gardiner's, Elizabeth Cole's, William Snowden's, and Ignatius Craycroft's*; also including both the Hundreds of *St. Clement's* and *Chapticoe*.

FOR all *Faith's* Parish in *St. Mary's* County, the Residue of *St. Mary's* County; and adding thereunto *Benedict-Hundred*, in *Charles* County.

FOR *Durham* Parish, in *Charles* County, the Upper and Lower Hundreds thereto now belonging; together with the Addition of Part of that Hundred called *West-side* of *Port-Tobacco* Hundred, adjoining on them; to be divided by a Line drawn from the Mouth of a Branch of *Port-Tobacco* Creek, known by the Name of *Love's Gut*, with the said Branch or Gut, to the Head of a Fork thereof, just below the Plantation where *Daniel Bryan* lately dwelt; from thence to the main Road that leads from *Port-Tobacco* Creek to *Piscattoway*, near the Head of *Pomphrett* Race, so as to exclude the Plantation where *Daniel Fenifer* lately dwelt, *William Theobald's* and *Benjamin Burgeff's*; thence with the said Road, until it intersect *Mattawoman Run*.

FOR *Port-Tobacco* Parish, in *Charles* County, all the remaining Part of the *West Side* of *Port-Tobacco* Hundred, that is not allotted to *Durham*, with the Hundred on the *East Side* of *Port-Tobacco* Creek; and such Part of the *East* and *West* Hundreds of *Newport*, as may be divided therefrom by a Line drawn from an Oak standing on *Zachia* Swamp, just below *Henry Jameson's*, to the Head of a Branch called the *Hog-House* Branch, including *William Newman's* Plantation; and from thence to the dividing Line between *Charles* and *St. Mary's* County.

FOR *William* and *Mary* Parish, in *Charles* County, all the remaining Part of the *East* and *West* Hundreds of *Newport*, not allotted to *Port-Tobacco* Parish; together with the Upper and Lower Hundreds already appertaining thereto.

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Thirtieth Day of November next, the Bounds of the several Parishes within the said herein before-mention'd Report, be and remain the undoubted Bounds of the said several Parishes for ever: Any Law, Statute, Usage, or Custom to the contrary thereof, notwithstanding.

An ACT to encourage the Importation of Gold and Silver into this Province.

WHEREAS the Effects of the Scarcity of Gold and Silver in this Province, are very sensibly felt by the Inhabitants thereof; in order therefore to give a suitable Encouragement to any Person who shall import into this Province, any Quantity of Gold or Silver,

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BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons who shall be liable to the Payment of any Duties or Impositions for any Goods or Commodities whatsoever, hereafter to be imported into this Province, by Land or Water, or exported out of this Province, by Land or Water, by Virtue of any Act of Assembly made or to be made, (except such Rates and Duties as are due and payable to the Lord Proprietary, or to the Governour of this Province, or appropriated to the Colledge of *Virginia*,) shall pay and discharge the same Duties and Impositions for any Goods to be imported as aforesaid, at the Time of Entering the same, and for any Goods or Commodities to be exported, at the Time of Clearing, in Silver or Gold Current Money, at the Rates mentioned in an Act, Intituled, *An Act for settling the Rates of Foreign Silver Coins within this Province*, and with the Difference of One Hundred Thirty Three Pounds Six Shilling and Eight Pence Current Money in Gold and Silver, for every One Hundred Pounds Sterling payable for the aforesaid Duties (except as before excepted) and so in Proportion for a greater or lesser Sum: The several Officer or Officers appointed to receive such Rates, Duties, and Impositions are hereby required and directed to allow to the Person or Persons making such Payment the Sum of Fifteen Pounds Current Money, out of every One Hundred Pounds Current Money, and Fifteen Pounds Sterling out of every One Hundred Pounds Sterling; and so in Proportion for a greater or lesser Sum, which such Person or Persons shall pay in Gold or Silver as aforesaid; and the Officer or Officers making such Allowance, shall be accountable for no more than he shall receive after such Allowance made as aforesaid.

AND to prevent the Changing of Gold and Silver carried from out of this Province into another, in order to have the Benefit of this Act,

BE IT ENACTED, by the Authority, Advice, and Consent aforesaid, That every Person or Persons, claiming the Deduction of Fifteen per Cent. as aforesaid, shall, before he or they shall have any Advantage thereof by this Act, take the following Oath (*mutatis mutandis*) before the Officers appointed to receive the same Duties, Rates, and Impositions, who are hereby impowered and directed to tender the same, *viz.*

I A. B. Do swear, That the Sum of Gold and Silver which I now pay, in Discharge of the Rates, Duties, and Impositions for the Goods and Commodities by me imported at this Time of Entry, was imported by me into this Province, and not purchased or procured by my self or any other Person for my Use in this Province, nor was ever carried from out of this Province by my self or any other Person for my Use, with Design of bringing it back again for the Allowance of Fifteen per Cent. on the Duties arising upon the Commodities by me now imported; nor that the same Gold or Silver hath been Exchanged, or obtained by Barter, or in any Manner whatsoever, directly or indirectly, by my self, or any other Person, for any Sum or Sums of Money in Gold or Silver exported or carried from the Province of Maryland, by me, or any other Person, to the best of my Knowledge.

So help me God.

AND

AND that the Officer or Officers, who shall allow the said Fifteen Pounds *per Cent.* as aforesaid, shall be, and is hereby obliged and directed to make Oath, before he or they pass his or their Accounts to be administered by one Provincial Justice, or two Justices of the County Courts, that the Sum or Sums of Money for which the said Officer or Officers shall crave the Allowances of Fifteen Pounds *per Cent.* as aforesaid, in his or their Accounts, was or were, *bona fide*, paid by the Person or Persons directed as aforesaid, to pay the same to the said Officer or Officers: And that the Oath before directed to be taken by such Person or Persons, was taken by such Person or Persons at the Time of such Payment; and which Oath being certified by the said Justice or Justices, it shall and may be lawful to and for such Treasurer or Treasurers to allow the Deduction aforesaid, to the said Officer or Officers in his or their Accounts aforesaid.

An ACT for the Relief of Christopher Gardiner, a languishing Prisoner in Baltimore County Goal.

WHEREAS, the said *Christopher Gardiner*, by his humble Petition to this present General Assembly, hath set forth, That he has continued a Prisoner for Debt, in the Custody of the Sheriff of *Baltimore* County aforesaid, for a considerable Time past; and still continues in the like deplorable Circumstances, not being able to redeem his Body with all the Estate or Interest he hath in the World, which he would readily surrender up and part with to his several and respective Creditors, if they would accept of the same, and grant the said Petitioner his Liberty. Which seems so unlikely for him to obtain, that (unless relieved by a particular Act to be past in his Favour, which by his said Petition he hath humbly prayed) he must inevitably continue Prisoner for Life; and thereby his Family utterly ruined. And for that, the Truth of the said Petitioner's Allegations is made appear to this General Assembly, by sufficient Testimony; and that the said Petitioner, and his Family, are fit Objects of Charity; and that his lying in Goal can be no Benefit to his Creditors; It is humbly prayed that the said Petitioner may be relieved according to his Prayer, and that it may be Enacted:

AND BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all or any of the Creditor or Creditors of the said *Christopher Gardiner*, or the Attorney or Attorneys, of such Creditor or Creditors aforesaid, within this Province, shall, within Twenty Days after the End of this Sessions of Assembly, go to the Sheriff of the aforesaid County of *Baltimore*, and give good Security to pay the Imprisonment Fees of Ten Pounds of Tobacco *per Day*, that shall or may become due from the said *Christopher Gardiner*, after the End of the said Twenty Days. And also to find the said *Christopher Gardiner*, sufficient Meat, Drink, and Cloathing, during his future Imprisonment: In case he, the said *Christopher Gardiner*, shall deliver up and surrender, or cause to be deliver'd up and surrendered to the Sheriff of *Baltimore* County aforesaid, in the Presence of Two Justices of the Peace in the said County; whom the said Sheriff is hereby required to summon, on the Request of the said *Christopher Gardiner*, at the dwelling Plantation or Place, where (before the Imprisonment of

the said *Christopher Gardiner*,) was the Place of Residence of the said *Christopher Gardiner*, at some convenient Time after the Receipt of this Act, not exceeding Ten Days, all his Real and Personal Estate, either in Possession, Reversion, or Remainder, or in Trust, or in, or unto which, he hath any Claim or Interest whatsoever : And do likewise, by the Day before-mention'd, convey, assign, transfer, and make over unto the said Sheriff of *Baltimore* County, for the Use of his said Creditors, all such his Estate, Interest, or Claim; as aforesaid ; after such Manner as by the said Sheriff, and the major Part of the said Creditors, or of such of them as shall think fit to direct therein, or their Council, learned in the Law, shall reasonably devise or require ; at the Cost and Charges of such Persons as shall claim the Benefit thereof ; so as the said *Christopher Gardiner* be not burthened with any Warranties thereby, other than from himself, or those that claim by, from, or under him. And that the said *Christopher Gardiner*, at the Time of such his Surrender, and Transferring his Estate as aforesaid, shall take his solemn Oath before the said Two Justices of the County aforesaid, to be summoned as aforesaid, to the Effect following, *viz.*

I A. B. Do solemnly swear, that the Goods, Debts, and Effects, which I have deliver'd, assign'd, and made over to the Sheriff of *Baltimore* County, and in Trust for the Use of my Creditors, is the whole Estate, both Real and Personal of my own in Possession, or which I have any Title to in the World. And that I have not any Estate, Goods, or Effects, of any kind whatsoever, left ; either in Possession, Reversion or Remainder, (the necessary Wearing Apparel for my self, Wife, and Children, excepted.) And that I have not, directly or indirectly, Sold, Leased, or otherwise conveyed, disposed of, or entrusted, all or any Part of my Estate thereby to secure the same, to receive or expect any Profit or Advantage thereof.

So help me G O D.

IT shall and may be lawful for the Sheriff of the County aforesaid, after the End of the said Twenty Days, And the said Sheriff is hereby required, to discharge the said *Christopher Gardiner* out of his Custody, and to suffer him to go at Large.

AND BE IT FURTHER ENACTED, That upon the said *Christopher Gardiner*, his complying with what is required of him by this Act ; that he, the said *Christopher Gardiner*, and his Heirs, Executors, or Administrators ; shall be (by Virtue of this Act) acquitted, exonerated, released, and discharged, of and from all manner of Debts, Duties, Claims, and Demands whatsoever, that have been severally contracted by him, or have arose due or become demandable from him, at any Time before the Sitting of this present General Assembly. And that in Case the said *Christopher Gardiner* shall, after his Compliance and Discharge as aforesaid, be Arrested or Sued for any such his Debts, or Duties as aforesaid ; or that the said Sheriff shall be Sued for any Matter or Thing required of him to be done by this Act ; that then the said *Christopher Gardiner*, or the said Sheriff, or either of them, whom it may concern, may enter a Common Appearance or Appearances, without Special Bail, to any such Action or Actions as shall be brought against them, or either of them, and plead thereto the General Issue ; and give this Act, or the Exemplification thereof with the special Matter thereon arising, in Evidence. And that in Case the Plaintiff or Plaintiffs, commencing and bringing such Action or Actions

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as aforesaid, shall be Nonsuit, the Defendant or Defendants, shall recover against him or them, double Costs of Suit: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

AND BE IT FURTHER ENACTED, That the Sheriff of the County aforesaid, shall, after such Surrender and Delivery up as aforesaid, give publick Notice at the Churches, Court-Houses, and Mills, within the said County, of some precise Time by him the said Sheriff and the said Two Justices, to be appointed for the Distribution of the said *Christopher Gardiner*, his Effects and Estate, not less than Twenty Days after the Time of the making the said Surrender; and shall then and there, in the Presence of Two such Justices as aforesaid, and by their Advice and Directions, make Distribution of the Estate of the said *Christopher Gardiner*, so as aforesaid to be surrender'd and deliver'd up, or transfer'd amongst such of his said Creditors only, as shall then by themselves, or their lawful Attorney or Attorneys, think fit to be present at such Distribution, by an equal and proportionable Distribution thereof to every such Creditor, with respect had, and in Proportion to the Largeness of his or her Debt. The Proceedings of the said Justices and Sheriff, in that Behalf, to be certify'd to the Court of the County aforesaid, and there lodged for the Perusal of any of the Creditors of the said *Christopher Gardiner*, that shall require the same, without any Fee to be paid thereon, or for such lodging thereof. Saving the Right of the said Lord Proprietary, his Heirs and Successors, and of all Bodies Politick and Corporate.

PROVIDED NEVERTHELESS, That in Case the said *Christopher Gardiner*, shall, at any Time after the making such his Oath, or taking such Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or a wilful Breach or Non-compliance with the Tenour of such Oath or Affirmation as aforesaid, that then the said *Christopher Gardiner*, shall, upon such Conviction, be adjudged to stand Two Hours in the Pillory, and have his Left Ear cut off, and shall be wholly deprived of any Benefit designed him by this Law; and shall be from thenceforth liable to be prosecuted for any Debts or Demands whatsoever, in the same Manner as if this Act had never been made: Any Thing therein contained to the contrary, notwithstanding.

PROVIDED LIKEWISE, AND BE IT ENACTED, by the Authority, Advice, and Consent aforesaid, That notwithstanding the Discharge of the Person of the Prisoner aforesaid, upon taking the Oath aforesaid, all and every Judgment now had and taken, or that shall be hereafter obtained, had, and taken, against him the said Prisoner, by any of his Creditors, for any Debt or Debts owing and remaining due from him, to such his Creditors, after such Surrender and Distribution made as aforesaid, shall be and stand good and effectual in Law to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods and Chattels, that the said Prisoner so discharged as aforesaid, shall hereafter acquire and come to the Possession of, and in his own Right only: And it shall and may be lawful to and for the Creditors of the said Prisoner so discharged as aforesaid, their Executors, Administrators, or Assigns, to take out any new Execution against the Lands, Tenements, Hereditaments, Goods, and Chattels of the Prisoner aforesaid, except his Wearing Apparel, Bedding for his Family, and Tools necessary for his Trade or Occupation, and what may be necessary for their Subsistence, not exceeding the Value of
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Five Pounds Current Money, for the Satisfaction of the Remainder of his or their said Debt, in such Sort, Manner, or Form, as he or they might have done, if the Person of the said Prisoner so discharged as aforesaid, had never been taken in Execution: Any Act, Statute, or Custom to the contrary, notwithstanding.

An ACT against Ingrossers and Regrators.

WHEREAS, the Offences of Ingrossing and Regrating are found mischievous and prejudicial to the Inhabitants of this Province; and the Act of Assembly formerly made against Ingrossers and Regrators, not having had any good Effect, by the doubtful Expressions of what Persons might be adjudged Ingrossers and Regrators, by Virtue thereof,

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That whatsoever Person or Persons within this Province, jointly or separately, from and after the End of this Session of Assembly, shall ingross or get into his, her, or their Hands or Possession, from any other Person or Persons, by Buying, Contracting, or Promise-taking, within this Province, any Goods or Merchandizes whatsoever, or Servants, or Provisions, or Grain of any kind whatsoever, (Butchers, or Persons selling Meat at the Shambles excepted;) and shall sell the same, or cause the same to be sold again, within the Space of Six Months, for ready Tobacco, or for Tobacco to be paid the Shipping happening at the Time of such first Sale, or for Tobacco to be shipped for Payment, or securing the Payment of any Bill or Bills of Exchange, or for ready Money, or Bills of Exchange to be drawn for Payment of the said Goods, Merchandizes, or Servants, shall be accepted, reputed, and taken for an unlawful Ingrosser and Regrator, and shall incur such Forfeitures as are hereafter expressed: Any Law, Statute, Usage, or Custom to the contrary hereof, in anywise, notwithstanding.

AND BE IT ENACTED, by the Authority aforesaid, That if any Person or Persons shall hereafter offend in any the Things before recited, and shall be thereof sued, prosecuted, or impleaded; for such Offence, the *Onus Probandi* shall be on the Person or Persons so sued, prosecuted, or impleaded, to make it appear to the Court and Jury, where such Offences shall be tried, that the said Goods, Merchandizes, and Servants, were not purchased by him, her, or them, or for his, her, or their Use, and by him, her, or them, or by his, her, or their Direction, and for his, her, or their Use, disposed of, within the Times aforesaid: And if the said Person or Persons so sued, prosecuted, and impleaded, shall fail to make the same appear, he, she, or they, shall be deemed Ingrossers and Regrators; and shall, for the first Offence, forfeit and pay the full Value of such Goods, Merchandizes, or Servants, to be valued and adjudged by the said Court, with full Costs of Suit.

AND BE IT FURTHER ENACTED, by the Authority, Advice, and Consent aforesaid, If any Person or Persons being convict of the

the Offences aforesaid, shall again offend the second Time, and be thereof convict by the Means and in the Manner aforesaid, such Person or Persons shall forfeit and pay double the full Value of such Goods, Merchandizes, or Servants, for the said second Offence, to be also valued and adjudged by the said Court, before whom such Trial shall be, with full Costs of Suit. And for the third Offence, shall, on Conviction by the Means and in the Manner aforesaid, forfeit Three Times the full Value of such Goods, Merchandizes, or Servants, as aforesaid, to be valued and adjudged as aforesaid.

AND BE IT FURTHER ENACTED, by the Authority, Advice, and Consent aforesaid, That the One Moiety of the said Forfeitures be applied to his Lordship, the Lord Proprietary, for the Support of the Government of this Province; and the other Moiety thereof, to the Informer, or him, her, or them, that shall sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province, wherein no Essoine, Protection, or Wager of Law, to be allowed.

PROVIDED, That this Act, or any Thing therein contained, shall not debar, or be construed to debar or hinder any Person or Persons whatsoever within this Province, by, or out of any Goods or Merchandizes, by him or them so bought or purchased as aforesaid, to satisfy and pay unto any Workman or Servant, the Hire or Wages of him or them due for any Work or Service whatsoever.

AND BE IT ENACTED, by the Advice, Consent, and Authority aforesaid, That an Act, Intituled, An Act against Ingrossers and Regrators, made at a Sessions of Assembly, held the Fifth Day of September, Seventeen Hundred and Four, be, and is hereby repealed and utterly made void to all Intents and Purposes.

An ACT to aid the Proceedings of some of the County Courts within this Province.

WHEREAS some of the County Courts within this Province, have proceeded to hold Courts, and give Judgments in several Actions, without having qualify'd themselves at or before the last Day of *March* last, which they should have done, according to an Act of Assembly, Intituled, *An Act for ascertaining the Form of the Oath of Judge or Justice*, contrary to the Intent and Meaning of the said Act: And whereas by the said Act they could not have acted as Judges or Justices, by Virtue of the old Powers to them given, unless they had qualified themselves, at or before the said last Day of *March*; and it appearing that several Justices acted as Judges or Justices, in the *June* Court following, not having any new Commission or Writ of *Dedimus Potestatem*, which may occasion several Appeals and Writs of Error: For Remedy whereof,

BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the
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same,

same, That none of the Judgments given, or Acts done by the said Justices shall be reversed or avoided, by Reason aforesaid.

PROVIDED, That any Person who hath already brought any Appeal or Writ of Error, upon any Judgment render'd by any such unqualify'd Justices, shall not lose any Benefit or Advantage of such Appeal, by this Act; but that all such Appeals and Writs of Error shall be under the same Circumstances as they would be, if this Act had never been made.

AND BE IT ENACTED, by the Authority aforesaid, That all Justices, who have taken the Oath of Judge or Justice prescribed by the said recited Act at any Time since the last Day of *March* last past, or who shall take the same Oath next *November* Court, before they proceed to Judgment, this present Year Seventeen Hundred and Twenty Nine, shall be deemed, and taken to be as lawfully qualify'd to act as Magistrates, as if the said Oath had been taken by them before the last Day of *March* last: Any Thing in the said recited Act, or any other Law to the contrary, notwithstanding.

An ACT for raising a Duty of Three-pence per Hoghead on all Tobacco exported out of this Province, for the Uses therein mentioned.

WHEREAS his Lordship, the Right Honourable the Lord Proprietary has been pleased to constitute and appoint his Honour *Benedict Leonard Calvert*, Esq; his Lieutenant Governour in and over this his Province of *Maryland*, to whom we (his Lordship's Tenants) yield all due Obedience: And the better to demonstrate our Gratitude to his Lordship, and to shew the good Respects we have for and towards the said *Benedict Leonard Calvert*, Esq; our present Governour; and the great Hopes and Expectation we have of his Honour's good Government over us, we most humbly pray that it may be Enacted,

AND BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Imposition of Three Pence Sterling per Hoghead, over and above the Duties already imposed on the Export of Tobacco upon all Tobacco that shall be exported out of this Province after the Twenty Ninth Day of *September* next, by Land or by Water, and Three Pence Sterling upon every Four Hundred Pounds of Tobacco, be it in Chest or Case, to be paid by the Master of every Ship or Vessel, or other Person trading into or living in this Province, in Sterling Money of *Great-Britain*, or Bills of Exchange, at the Election and Choice of the said Master or others, to be collected by the Naval Officer of the Port or District, where such Ship or Vessel shall enter, to be applied to the Uses, and in the Manner following; (that is to say,) Three Half-pence of the said Three Pence per Hoghead so to be collected as aforesaid, to be apply'd towards the Encouragement of one Publick School in every County within this Province; (that is to say) one equal Share thereof towards the Support

port of each School; and the remaining Three Half-pence so to be collected as aforesaid, be paid by the Naval Officers aforesaid, to his Honour *Benedict Leonard Calvert*, Lieutenant Governour in and over this Province, for his Use and better Maintenance.

AND BE IT ENACTED AND DECLARED, by the Authority aforesaid, That if any Tobacco, should by any casual Means be lost, after the Imposition be paid, that then, and in all such Cases, the Owner and Freighter of all such Tobaccos, shall have free Liberty to freight and ship off the like Quantity, without paying the additional Three Pence.

THIS Act to endure 'till the Twenty Ninth Day of *September*, which shall be in the Year of our Lord Seventeen Hundred and Thirty Two.

An ACT providing what shall be good Evidence

to prove Foreign and other Debts, and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar; and for repealing an Act of Assembly therein mentioned.

BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Debts of Record, whether by Judgment, Recognizance, Deed Enrolled, and upon Record, the Exemplification thereof under the Seals of the Courts where the said Judgment was given or was Recorded, shall be a sufficient Evidence to prove the same. And that all other Debts, by Bonds, Bills, Accounts, or otherwise, that shall from and after the Publication hereof, be sent hither to be put in Suit against any Person whatsoever living or residing within this Province, shall be proved by the Oaths of the Witnesses thereto, or any of them, before some Magistrate, in the Presence of a Notary-Publick, who shall attest that the Oath or Oaths, was, or were so taken; and that the Person before whom It or They shall be taken, shall then be a Magistrate, or other Officer, lawfully authorized thereto, of the County or Place wheresoever it shall happen the said Bonds or Bills shall be sent from; at which Time, and before which Publick-Notary, or other Publick Officer, shall be present the Creditors, who shall then likewise, before such Magistrate or other Publick Officer of the Place, so authorized, upon his corporal Oath, declare, That the said Debt, or any Part thereof (saving what the said Creditor gives Credit for) is not satisfied, or that there are not any other Accounts between the said Creditor and Debtor, for which the said Creditor may be likewise indebted to the said Debtor, to the Value of the said Debt, or any Part thereof, for any Matter or Thing accrued since the Date of the said Bond, Bill, or Instrument; or whether the said Creditor hath not given the said Debtor any Release for the same; to be sent together with the Proofs from under the Hands and Seals of the said Magistrate, and Publick-Notary, or other Publick Officer thereunto appointed; which if the Creditor shall refuse or neglect to perform or do, then the said Matter or Thing, by the said Publick-Notary, or other Officer, so by them certified as aforesaid, shall not be received as Evidence to prove the said Debt. And if the said Creditor be dead, and his Executor, or Administrator, shall sue any Debtor upon any such Bond, Bill, or Account, the Executor or Administrator, in like Manner, before

before such Magistrate to be attested as aforesaid, or other Officer for that Purpose appointed, shall set forth and declare, upon their Oath, whether or no they have not heard the Creditor in his Life-time, acknowledge that Debt, or any, and what Part thereof to be satisfied; or whether or not (upon Sight of the Creditor's Books, Writing, or Accounts) they have not seen Credit given to the Debtor since the Day of the making the said Bills, Bonds, or Beginnings of the Accounts so sued for: All which, in like Manner, is to be certified by the Publick-Notary, or other Officer thereunto appointed, under his Hand and Seal, to be sent to this Country; together with the Testimony of the Witnesses, or any of them, that have testified to the said Bonds, Bills, Accounts, or otherwise; all which, if the said Executor, or Administrator, refuse or neglect to do, then the said Matter and Thing, by the Publick-Notary, or other Officer appointed, as aforesaid certified, shall not be received in Evidence for valid against the Debtor.

AND BE IT ENACTED, by the Authority aforesaid, That all and every the Attorney and Attorneys, who shall be employed in the Prosecution of such Suits, shall put in Security to pay the Defendant all such Costs and Charges as shall be by the Defendant in that Case expended, in case the Plaintiff be cast in the Suit.

AND to the End no honest Debtor that hath not fled from the Place or Country where he contracted his Debt, nor wilfully absconded himself, or fled from Justice, shall be surprized by unnecessary and vexatious Suits at Law,

BE IT ENACTED, by the Authority, Advice, and Consent aforesaid, That no Person whatsoever, residing or trading in or to this Province, their Executors, Administrators, Agents, Factors, or Assigns, shall, for any Sum or Sums of Tobacco, or Money, due and owing to him by Account upon Book, or otherwise, (and for which the Debtor hath not pass'd his Hand and Seal to such his Creditor) sue and implead such Debtor, his Executors, or Administrators, in any Court of Record within this Province, unless he shall first demand and require the same of such Debtor's proper Person, or otherwise, at the Habitation or Place of Residence of the said Debtor, in the County where he shall dwell: To prove which Demand, the Creditor's or Demandant's own Oath shall be sufficient. And, if the Debtor be not at home to be spoke with, then such Demandant shall leave a Note under the Hand of such Creditor or Demandant, or Those he shall empower to receive the same, with the Time, and to whom the same shall be paid. And if thereupon, the same be not paid accordingly, then it shall and may be lawful for such Creditor to sue and implead such his Debtor, and recover against him all such Costs and Damages, as upon legal Tryal in any Court of this Province, having Cognizance of the Cause, shall be adjudged as before the making this Act.

BUT in case any Person or Persons shall sue and implead such his Debtor as aforesaid, without making Demand as aforesaid, and the Debtor plead that the Debt was never demanded by such Plea, the Debtor shall be taken to admit the Plaintiff's Declaration to be good, and shall only put the Demand in Issue; which Issue, if the Plaintiff do not join, then the Plaintiff shall be taken to have made no Demand, and shall only have Judgment for his Damages, and shall lose all his own Costs: And if the Plaintiff join in Issue upon the Demand, and it be found against him, then the Plaintiff shall lose his

his own Costs, and pay Costs of such Tryal to the Defendant ; yet the said Plaintiff shall have Judgment to recover his Debt or Damages for which he sues, or for so much thereof as appears due upon Ballance.

AND BE IT FURTHER ENACTED, That if any Debtor or Debtors, be sued by any Creditor or Creditors, for any Sum or Sums of Money, or Tobacco, due upon the Debtor's Assumption, or due by Bill or Bond, under the Hand and Seal of the said Debtor, and the Debtor confesses the Assumption, or such Part thereof as he shall think fit, to plead Discount to, and acknowledge his Act or Deed ; but, saith further, that he hath an Account of his own against the Creditor, that hath arisen due to the Debtor, since the passing such Bill or Bond, or after such Assumption as aforesaid, which he desires may be discounted, or shall give any Account proved according to the Directions of this Act, or lodged and filed in Court in Evidence upon the General Issue. It shall and may be lawful for the Justices before whom such Matter shall be depending ; upon good Proof made of such Account, to cause the same (altho' of a less or inferiour Nature) to be discounted in Court, and give Judgment thereupon against the Defendant for so much only as shall be remaining to the Plaintiff, with Cost of Suit : Provided the Ballance exceed Four Hundred Pounds of Tobacco, or Three and Thirty Shillings and Four Pence in the County Court ; and Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings Sterling in the Provincial Court ; otherwise the Plaintiff shall be nonsuited, as by other Laws are provided.

PROVIDED NEVERTHELESS, That nothing in this Act contained, shall be construed to give the said Provincial Court any other Jurisdiction than what is agreeable to the Act of Assembly *for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law* : Any Thing herein contained to the contrary, notwithstanding. And for the further Declaration of what shall be taken and allowed for Evidences to prove such Bills or Bonds,

BE IT ENACTED, That the Oath of One or more of the Persons that subscribed as Witnesses to such Bill or Bond, made before One Justice of the Provincial or County Court of this Province, in their respective Counties, or any other legal Evidence, shall be Evidence to prove the Debts in the Provincial and County Courts of this Province.

PROVIDED NEVERTHELESS, That if the Defendant will traverse such Proof, and put it upon the County for Tryal, it shall be allowed him so to do.

AND BE IT ENACTED, by the Authority aforesaid, That an Account of Money, Tobacco, or other Goods, lent or due, and chargeable for Goods sold, Work done, or other Things properly chargeable in Account, which shall arise due after the Tenth Day of *March* next ensuing, and shall be sworn by the Creditor, or affirmed (if a *Quaker*) to be just and true, before one Provincial or County Justice, and that he or she hath not directly or indirectly received (to his or her Knowledge) any Part or Parcel of the Money, Tobacco, or other Goods, charged as due by such Account, or any Security or Satisfaction for the same, more than Credit shall be given for, shall be received as good Evidence in any Court of Record within this Province, upon any Tryal, or in any Dispute, before

a single Magistrate, concerning a small Debt determinable by him ; unless the Creditor, or Defendant, shall make appear by lawful Evidence, other than his or her own Oath, or Affirmation, that such Account is false in Part or in the Whole:

AND BE IT LIKEWISE ENACTED, That it shall and may be lawful for any Debtor or Defendant, in his Defence, to prove an Account by Oath, or Affirmation, to be just and true, of Goods deliver'd or sold, Work done, Money paid or deliver'd to the Plaintiff or Creditor, towards Satisfaction of the Whole, or Part of the Debt due to such Plaintiff or Creditor, or received by such Plaintiff or Creditor, to the Defendant or Debtor's Use, after the said Tenth Day of *March* aforesaid, which have been; or shall be so deliver'd, paid, or receiv'd ; and for which no Credit is, or shall be given to the Defendant or Debtor ; which the Court before whom the Tryal shall be, shall adjudge to be discounted out of the Plaintiff's or Creditor's Account, or other Demand ; unless the Plaintiff or Creditor can prove the same, or some Part thereof to be False, by legal Evidence as aforesaid.

PROVIDED ALWAYS, That the Particulars of all such Accounts shall be delivered as well by the Creditor to the Debtor, as by the Debtor to the Creditor, within Ten Days after the several and respective Articles shall become due to the Debtor or Creditor who shall require the same. And, that the said Accounts shall be proved within Twelve Months after the first Article therein charged shall become due, and not otherwise. And, to prevent either Plaintiff or Defendant being surprized,

BE IT ENACTED, That all Accounts which the Plaintiff shall prove, either by his or her own Oath or Affirmation only, or otherwise, shall be filed with the Declaration. And that all Accounts which the Defendant shall prove, either by his or her own Oath or Affirmation only, or otherwise, in his or her Defence, shall be filed with the several Clerks Ten Days at the least before the Tryal Court ; otherwise the Account which shall be omitted to be so filed, shall not be received in Evidence ; except that where Declarations shall be sent with the Writs in Order for Tryal the first Court, the Defendant who shall insist on any Account in his or her Defence as aforesaid, shall deliver or send a Copy of such Account to the Clerk the first Day of the Court, who shall receive and file the same.

AND BE IT FURTHER ENACTED, That an Act, intituled, *An Act providing what shall be good Evidence to prove Foreign and other Debts, and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar*, shall be and is hereby repealed and abrogated.

PROVIDED NEVERTHELESS, That it shall and may be lawful for any Person to prove any Account of Goods sold, Money lent, Work done, or other Matters or Articles properly chargeable in Account which became due at any Time heretofore, or shall become due before the Tenth Day of *March* next, according to the Directions of the said Act ; so as all such Accounts shall be proved as aforesaid, at or before the Thirtieth Day of *August*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty, the Repeal of the said Act, or any Thing in this Act to the contrary, notwithstanding.

AND

AND BE IT FURTHER ENACTED, That any Person who shall wittingly and advisedly swear or affirm falsely to any Account before any Provincial or County Justice, and shall be thereof lawfully convicted, by Confession or Verdict, shall suffer the same Pains and Penalties as in case of corrupt and wilful Perjury.

An ACT for the Preservation of the Breed of Wild Deer.

WHERAS it has been represented to this General Assembly, that the Species of Deer hath of late Years been very much lessen'd, occasion'd principally by the Inhabitants shooting, or otherwise destroying them, during the Time of the Female Deer being with young; and which evil Practice, if not put a Stop to, may in few Years entirely destroy the Species of Deer, to the great Damage of the good People of this Province: For Prevention whereof, it is prayed that it may be enacted,

AND BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not, nor may be lawful for any Person or Persons within this Province, (the Indians in Amity with us excepted,) between the Fifteenth Day of January, and the last Day of July, in every Year, to kill any Deer, under the Penalty of Four Hundred Pounds of Tobacco for every such Offence to the Use of the Informer, to be recovered before a single Magistrate (as in Case of small Debts) by the Testimony of one sufficient Witness besides the Informer.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person in whose Hands or Custody any Deer's Flesh shall be found, that shall appear to have been killed between the Fifteenth Day of January and the last Day of July, shall be deemed, taken, and adjudged to be the Killer of such Deer, and liable to the Penalty aforesaid, unless such Person make appear before a Magistrate, who it was that really killed the same, or from whom such Person or Persons thereof possess, received the same.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it is the true Intent and Meaning of this Act, that the Liberty given to the Indians aforesaid, shall extend only to the killing of Deer for their private Use, and not for Sale; and that it shall not be lawful for any Inhabitant within this Province, under the Penalty aforesaid, to be recovered as aforesaid, for the Uses aforesaid, to purchase any dead Deer, or any Part thereof of any Indian or Indians, within the Time prohibited by this Act to kill Deer in.

An ACT reviving and continuing an Act, Intituled, An Act to restrain the ill Practices of Attorneys, and to prevent their taking Money Fees, and ascertaining what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts; made at a Session of Assembly, begun and held at the City of Annapolis, the Fifteenth Day of March, Anno Domini One Thousand Seven Hundred and Twenty Five.

BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Act, Intituled, *An Act to restrain the ill Practices of Attorneys; and to prevent their taking Money Fees, and ascertaining what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts; made at a Session of Assembly, begun and held at the City of Annapolis, the Fifteenth Day of March, in the Year of Our Lord One Thousand Seven Hundred and Twenty Five,* be, and is hereby revived and continued to be and remain in full Force, Power, and Virtue.

This Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the End of the said Three Years.

An ACT for the Relief of Thomas Worsley, Hezekiah Clark, and Benjamin Freeman, Prisoners in Anne-Arundel County Goal.

WHEREAS the said *Thomas Worsley, Hezekiah Clark, and Benjamin Freeman*, have represented to this General Assembly, that they have a long Time lain in Goal, and that they have not wherewithal to satisfy their Creditors; but that they may be capable, having Time given them, to satisfy their several Creditors,

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. James Govane, Sheriff of Anne-Arundel County, do let the said *Thomas Worsley* at Large, immediately after the End of this Session of Assembly, he satisfying Mr. *Richard Snowden* a Debt recovered against him, in Anne-Arundel County Court, as he by his Petition has proposed, with Cost; and giving the said Govane his own Bills of Exchange, or Bond, at the Rate of Ten Shillings Sterling per Hundred, for Fees due to the said Govane.

AND BE IT FURTHER ENACTED, by the Authority, Advice and Consent aforesaid, That the said *Hezekiah Clark, and Benjamin Freeman*, be released from their Imprisonment, and be free from any Arrest or Execution either against Body or Goods, for Debt or Damages

ges heretofore contracted for, and during the Space of Seven Years, to be computed from the End of this present Session of Assembly, they giving their Creditors Security not to depart this Province, or send their Effects out of the same, for Eight Years after the End of this Session of Assembly; and upon so doing, the said *Govane* shall permit them to go at Large: And least their Creditors may not approve of, or take Security; that then any Three of the Justices of *Anne-Arundel* County Court, take such Security as they think fit, in the Name of the Lord Proprietary, to and for the Use of their Creditors; which shall be lodged with the Clerk of *Anne-Arundel* County Court, for the Use of such Creditor or Creditors.

AND BE IT FURTHER ENACTED, by the Authority, Advice, and Consent aforesaid, That if any of the Creditors of the aforesaid Persons should bring an Action or Actions of Escape against the said Sheriff for any Matter or Thing by this Act required to be done by him, the said Sheriff may enter a common Appearance or Appearances to any such Action or Actions that may or shall be brought against him, and plead thereto the General Issue; and give this Act, or the Exemplification thereof, with the special Matter thereon arising, in Evidence. And in Case, the Plaintiff or Plaintiffs be Nonsuit, the Defendant shall recover double Costs of Suit: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

PROVIDED NEVERTHELESS, That none of the Persons herein before-mentioned, shall have any Benefit or Advantage by Virtue of this Act, unless such Person or Persons claiming to have any Benefit or Advantage, shall, before he or they have such Benefit and Advantage, pay and satisfy, or secure to be paid and satisfy'd to the Sheriff of *Anne-Arundel* County, all the Fees due to him, on Account of such Person or Persons Commitment and Imprisonment: Any Thing in this Act to the contrary, notwithstanding.

An Additional and Supplementary ACT to the several Acts for the Administration of Justice in Testamentary Affairs.

WHEREAS it is necessary, as well to explain several doubtful Clauses in the Acts heretofore made *for the Administration of Justice in Testamentary Affairs*, as to make Additions to supply some Defects therein:

BE IT THEREFORE ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Negroe or other Slave shall be sold by any Executor or Administrator, or reserv'd for his or her own Use, for the Payment of any Debt due or owing to any Executor or Administrator; nor shall any Negroe be taken in Execution for any Debt due from any Testator or Intestate, so long as there shall be other Goods, which were of such Testator or Intestate, sufficient to satisfy such Execution; the Executor or Administrator shewing such other Goods, which the Sheriff, or other Officer is hereby required to demand.

AND BE IT FURTHER ENACTED, by the Authority, Advice, and Consent aforesaid, That the Justices of the several County Courts, shall, every Court; as well by giving the same in Charge to the Grand-Juries, as by such other Ways and Means as the Truth may be best discover'd, enquire whether any Executor or Administrator hath received and not accounted for any Debts due to the Deceased, or neglected or omitted to receive or recover any Debt or Debts so due; and to call such Executors or Administrators before them: And if, upon Examination and Hearing of such Executor or Administrator, in his or her own Defence, it shall sufficiently appear, that such Executor or Administrator hath received and not accounted for, or neglected to receive or recover any such Debt or Debts, that the Justices shall order their Clerk to enter the Particulars thereof on Record; which shall be allowed and received in Evidence, in any Suit to be commenced by the Guardian, during the Minority of the Orphan, or by the Orphan at full Age, or by any Creditor against the Executor or Administrator, or by the Ward against the Guardian.

AND BE IT FURTHER ENACTED, That the Commissary General shall be obliged to send Lists of the sperate and desperate Debts, to the County Courts, in the same Manner as Ballances are already directed to be transmitted, the better to enable the County Justices to make the Enquiries required by this Act to be made.

AND BE IT ENACTED, That the Justices of Assize shall give it in Charge to the respective Grand-Juries, to enquire whether the Justices of the County Courts duly execute what is required of them, by this and other Acts relating to *Testamentary Affairs*, &c.

AND BE IT FURTHER ENACTED, When, and as often as the Justices of the County Courts shall find it necessary to oblige any Guardian, or other Person in Possession of any Orphan's Estate, to give new or better Security for such Estate: That in Case of Refusal to comply with their Order therein, it shall and may be lawful for the said Justices, and they are hereby required immediately to remove the Person and Estate of such Orphan into other Hands. And in Case the Guardian, or other Person as aforesaid, shall not obey such Order of Removal, that then, and in such Cases, the said Justices shall and may issue Attachment or other Process against such Guardian or other Person, to answer his or her Contempt; and to commit him or her to Prison, there to remain until the Order of the said Justices shall be fully comply'd with. And that when, and as often as it shall appear to the Justices of the County Courts, that the Guardians of Orphans, and Sureties for their Estates, are Insolvent; and that no Persons will undertake the Guardianship of such Orphans, and give Security for their Estates, it shall and may be lawful for the said Justices, and they are hereby empower'd and required to take the said Estates into their own Hands, to sell and dispose thereof, (except Negroes and Plate,) for the best Price they can: And also to dispose of the Money and Tobacco arising by such Sale, and the Negroes and Plate to the Orphan's best Advantage, and to take good Security for the same; and also to demise any Lands or Tenements that shall belong to any such Orphan.

AND WHEREAS several Persons not being Guardians, have got into the Possession of Lands belonging to Orphans, and demised or occupy'd the same, and received the Profits thereof; *Be it enacted*, That it shall

shall not be lawful for any Person whatsoever, not being Guardian, or not having License from a Guardian, to enter into, possess, or occupy any Lands or Tenements belonging to any Orphan or Orphans, without first applying to the County Court, and obtaining Leave from them, for such Rents as they shall think just and reasonable to be paid to such Orphan or Orphans, on Pain of being Trespassers, and paying treble Damages and full Cost to such Orphan or Orphans, to be recovered by the Guardian, during the Orphan's Minority, or by the Orphan, when at full Age.

AND BE IT LIKEWISE ENACTED AND DECLARED, That Guardians ought to render an Account to their Wards, of the Surplus of the Profits of their Real Estates, beyond what shall be necessarily expended in the Maintenance and Education of such Ward; and to secure the same, as this Act directs other Parts of Orphans Estates to be secured.

AND BE IT FURTHER ENACTED, That when, and as often as any County Court, shall, by the Presentment of any Grand-Jury, or otherwise be informed, of any Waste being done by any Guardian upon any Orphan's Estate, to issue their Warrant to cause such Guardian to appear before them; and if, upon the said Guardian's Appearance before them, and being heard in his or her Defence, or Refusal to appear, being summoned, such Information shall appear to be true, the said Justices shall order the Sheriff with all possible Speed, to summon a Jury upon the Place where the Waste shall be committed, to enquire upon their Oath into the same, and of what Damage such Waste shall be to such Orphan; which being returned to the said Justices, they are hereby required to oblige the Guardian to give Security for double the Damages that shall be assessed by such Jury: And in Case of Refusal, to commit such Guardian to Prison, there to remain until he or she will comply with their Order therein.

AND WHEREAS some Doubts have arisen concerning the Rights of Widows, to the Real and Personal Estates of their deceas'd Husbands: For avoiding all such Doubts,

BE IT ENACTED, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in such Case, where the Testator bequeaths or devises a considerable Part of his Personal Estate to his Wife; and it appears not in any Part of his Will or Codicil, that he intended the said Devise as a Legacy only to his Wife; and that she might nevertheless, have a Third Part of ~~his~~ remaining Estate, it shall be at the Election of such Wife, Widow, or Relict, within Forty Days after the Probat of such Will, to make her Election before the Judge for Probat of Wills, or the respective Deputy-Commissary in each respective County, whether she will be content with such Devise, or will have her Thirds, and release the Devise; and if she make Choice to have what is so bequeathed or devised to her, then, by that Choice, she shall be for ever barred from claiming her Third Part aforesaid; and if she renounce what is so bequeath'd and devised, she shall then have her Third Part aforesaid, and be barred of her Devise; but shall not claim or have both: But in Case, such Widow shall neglect to make such Election within the Time aforesaid, she shall then be concluded by what shall be bequeathed to her by her Husband, and shall not have or claim any more of his Personal Estate, than shall be so bequeathed.

PROVIDED

PROVIDED ALWAYS, That such Part of the Personal Estate or Estates so bequeathed, shall be liable to pay the Debts of the deceased, as other Part of the Estate is or ought to be; and if such Wife or Relict have any Part of her Husband's Lands or Real Estate of Inheritance devised to her by her Husband; and that it do not appear by any Part of the Will, that he intended her such a Part of his Real Estate aforesaid, and her Dower out of the rest of his Real Estate besides, then it shall be lawful for such Widow, or Relict, to make her Election as aforesaid, within the Time aforesaid, whether she will accept of such Devise, or the Third Part of all her Husband's Real Estate, of which she is endowable; and if she accept of her Devise, she shall be for ever debarred of her Dower out of the rest of the Testator's Real Estate; and if she accept of her Dower, then such Acceptance shall be adjudged a full Recompence of her Devise aforesaid: But in Case she shall neglect to make such Election within the Time aforesaid, she shall then, by such Neglect, be concluded by what is devised to her, and shall be thereby barred of her Dower of such deceased's Real Estate, unless it shall appear to be the Design of the Devisor, that such Widow shall have both Devise and Dower: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

AND BE IT ENACTED, That where any Person being a Protestant, who shall die and leave a Widow and Children, and such Widow shall intermarry with a Papist, or be her self a Papist, that it shall and may be lawful for the Justices of the County Courts, upon Application, to remove such Child or Children out of the Custody of their Mother, and place him, her, or them, where he, she, or they, may be securely educated in the Protestant Religion; and to allow the Interest of such Orphan's Estate, or such Part thereof, as may be necessary for his, her, or their Support. And that the like Care be taken, that all Children, whose Fathers died in, or professed themselves to be of the Communion of the Church of *England*, be educated and instructed in the Doctrine and Principles of that Church.

PROVIDED ALWAYS, That any Person who shall think him or herself aggrieved by the Justices of the County Courts, in the Premises, may appeal to the Governour and Council, who may hear and finally determine the same.

AND BE IT FURTHER ENACTED, *by the Advice, Consent, and Authority aforesaid*, That the Commissary General shall be obliged to send the Lists of the Names and Surnames of Sureties, with their Places of Abode, to the several County Courts, with the Accounts or Balances required to be transmitted, by the Act, Intituled, *An Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, Recovery of Legacies, securing Filial Portions, and Distribution of Intestates Estates*.

AND BE IT FURTHER ENACTED, *by the Authority aforesaid*, That Executors or Administrators shall proceed in the Payment of Debts, in the same Manner as they have been, and are obliged by the said last mentioned Act, Intituled, *An Act for the better Administration of Justice in Testamentary Affairs, &c.* without any other Preference to Debts due to His Sacred Majesty, his Heirs or Successors, or to the Lord Proprietary, his Heirs or Successors, than to such Debts as are or shall be due to His Sacred Majesty, his Heirs or Successors, or to the Lord Proprietary,

prietary, his Heirs or Successors, for the proper Use and Benefit of them, or either of them: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

AND WHEREAS, by the Laws of *England*, the Age is not allowed to any but the Heir at Law; and it appears to this General Assembly, that Children, other than the Heir at Law, are within the same Reason; and the allowing thereof here, will be advantageous to Minors,

BE IT ENACTED, by the Authority aforesaid, That all Persons under the Age of Twenty One Years, who shall hereafter be entitled to any Lands, Tenements, or Hereditaments, by Purchase, shall not be obliged, during their Minority, to answer any Suit or Ejectment in Relation to the said Lands, Tenements, or Hereditaments, any more, or otherwise than they would be, if such Lands, Tenements, or Hereditaments, became their Right by Descent.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That every Administrator obliged by the Act, Intituled, *An Act for the Application of such Intestates Estates as leave no legal Representatives*, &c. to pay the Ballance of the Estate to one of the publick Treasurers, shall hereafter be obliged to pay and satisfy the Ballance of such Estate, to the Visitors of the publick School of the County, where the Deceas'd resided, in the same Manner as such Administrator should have been obliged by Law to pay the same to any legal Representative. In Case any such should have appeared to be apply'd to the Use of such School, save that by the Acts now in Force, sundry Particulars of the Goods and Chattels are directed to be paid in Specie, according to Appraisement, to the legal Representatives; In this Case, such Administrator shall pay the said Ballance of such Estate in Current Money, or in Specie, at the Direction of the Visitors: For the Payment whereof, if in Current Money, he shall be allowed Ten *per Cent.* if in Specie, Five *per Cent.* and no more.

PROVIDED, That in Case such Administrator be of Kin to the Deceas'd, within the Fifth Degree of either Consanguinity or Affinity, then such Administrator, and all others, that are as nearly related to the Deceas'd, as such Administrator, shall have as good a Right to such Residue, as if he or they were Brothers or Sisters Children to the Deceas'd: And such Ballance shall be distributed accordingly.

PROVIDED NEVERTHELESS, That in Case there be a Widow, no Collaterals shall be admitted, other than these directed by this Act; but such Widow shall have the whole Residue of such Estate: Any Thing herein before contained to the contrary thereof, notwithstanding.

PROVIDED NEVERTHELESS, AND BE IT ENACTED, by the Authority, Advice, and Consent aforesaid That in Case such Residue shall happen to be paid to such Visitors as aforesaid, in Default of legal Representatives as aforesaid: And that any legal Representatives of no remoter Degrees, amongst Collaterals, than Brothers or Sisters Children, shall at any Time appear and prove him, her, or themselves, to be such legal Representatives, that then the Visitors that received the Residue of such Estate, or their Successors, if it shall be in their Hands, shall

restore the same to such legal Representative or Representatives: And if such Residue shall be actually apply'd to the Use and Support of the Publick School, that then the Publick Stock of such School, in the Hands of the Publick Treasurers of this Province, or either of them, shall be liable to make Satisfaction to such Representative or Representatives of such Residue; and that the said Visitors shall give an Order to such Representative or Representatives for the same, on the Publick Treasurers; who shall be obliged, by Virtue of this Act, and such Order, to pay the same out of the Publick Stock of such School, if so much in their Hands, if not, so much as shall be in their Hands; and the Residue, when they shall receive so much to the Use of such School. And if the Administrator shall be obliged to pay any further Debt or Duties that were due from the Deceas'd, such legal Representative receiving the said Residue, shall refund to such Administrator the Value of what such Administrator shall be obliged to pay as aforesaid; provided the same doth not exceed the Residue received by such Representative: Any Thing in the said Act, for the Application of such Intestates Estates, &c. to the contrary, in any wise, notwithstanding.

AND forasmuch as Disputes have arisen, whether the Act of Limitation extends unto Actions brought upon Testamentary and Administration Bonds:

BE IT FURTHER ENACTED, by the Authority, Advice, and Consent aforesaid, That all Actions upon Administration and Testamentary Bonds shall be commenced within Twelve Years after the passing of the said Bonds, and not after.

PROVIDED ALWAYS, That nothing in this Act shall be construed to bar any Person within the Age of Twenty one Years, *Feme Covert, Non Compos Mentis,* or Imprisoned, or Persons beyond Seas, from bringing an Action or Actions, within Six Years after their coming to, or being of full Age, Uncovert, sound Memory, at large, or returned from beyond Seas, upon any Administration or Testamentary Bonds.

AND BE IT FURTHER ENACTED, by the Authority, Advice and Consent aforesaid, That the several County Courts of this Province, shall, and are hereby impowered and required as often as the Sureties, or any of them, or their, or any of their legal Representatives, on any Administration or Testamentary Bond or Bonds, passed for any Guardian, shall petition the said Court for Counter Security, to keep him, her, or them, indemnify'd from such Bonds; and make appear to the Satisfaction of such Court, that he, she, or they, is or are in danger of suffering thereby, to cause the said Executors, Administrators, or Guardians, to give the said Petitioner or Petitioners sufficient Counter Security, to indemnify him, her, or them, from such Bonds: And in Case the said Executors, Administrators, or Guardians shall refuse or neglect to do the same, to cause Attachment against his, her, or their Bodies, to be issued, to compel him, her, or them thereto. And in Case such Executor, Administrator, or Guardian, shall not be able, or shall refuse or neglect to give such Security, it shall and may be lawful for such County Court, and they are hereby required, to order such Estate, or such Part thereof, as shall be left in the Hands of the said Executor, Administrator, or Guardian, to be delivered into the Hands of the said Sureties, or their, or either of their legal

gal Representatives; who are hereby impowered, by Process of Attachment or Distress, to be issued out of the said Court, to take and possess themselves of the same: And on Receipt thereof, shall be obliged to return an Account of what they shall so receive, to the said County Court, appraised upon Oath, by Two indifferent Persons to be appointed by the said Court; and the said Executor, Administrator, or Guardian, shall be discharged of so much as the said Sureties, or their, or either of their legal Representatives shall receive, by Virtue of such Order or Process.

An ACT to prevent rigorous Prosecutions on Sheriffs, Testamentary, Administration, and Deputy-Commissionaries Bonds.

WHEREAS it is represented to this General Assembly, that Sheriffs and Testamentary Bonds are frequently put in Suit, in the Provincial Court; and that the Persons causing such Bonds to be sued upon their obtaining Judgments, frequently issue Executions for the whole Penalties contained in such Bonds, with Direction to the Sheriff, or Coroners, to release the Party executed, upon Payment of what the Creditor alledges his Demand to be.

AND WHEREAS an Act of Parliament made the Eighth and Ninth Years of King *William* the Third, Intituled, *An Act for the better Preventing frivolous and vexatious Suits*, does not fully provide for the Evils complained of,

BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Person or Persons, causing such Bonds to be sued, to proceed to Judgment, untill the Creditor or Creditors, clearly make appear to the Court, what his, her, or their Demand is, or are; which Court may, and they are hereby impowered, upon the Defendants having Notice given him, her, or them, or Notice left at the Place of his, her, or their last Place of Abode, Twenty Days before the Court, in which the Plaintiffs apply, for such Debt or Demand to be assessed; as also a Copy of the Nature of his, her, or their Demand, attested by the Clerk to assess such Damages, or appoint Auditors to adjust such Demands; whereupon it shall be lawful for such Court to give Judgment to such Creditor or Creditors, on such Bond in usual Manner: But that Execution only issue for such Sum as shall be made appear to be due, unless the Party at whose Request such Bond be sued, or the Defendant or Defendants apply to the Court, praying a Writ of Enquiry; which, if either Party prays, shall be issued by the Court, to be proceeded in, according to the Directions of the aforesaid Act of Parliament; and that Execution issue for no more than found by the Jury, with Costs and Interest, 'till Payment made or tender'd. And that where any such Bond is proceeded on to Judgment, no other Creditor shall come in for any Part of the Penalty under Pretence of any Thing being due to such Creditor, without sending a *Scire Facias* to be served, which *Scire Facias* shall be sued within Eighteen Months after such Recovery, and not after;

on the Defendant or Defendants. In which *Scire Facias*, shall be contained the Nature, of such Creditor or Creditor's Demand, and the Sum due.

AND BE IT FURTHER ENACTED, by the Authority *aforesaid*, by and with the Advice and Consent *aforesaid*, That all Actions hereafter to be brought on Sheriffs Bonds hereafter to be passed, shall be sued or brought within the Space of Five Years after the passing such Bond, and not afterwards : And all Actions hereafter to be brought on Sheriffs Bonds heretofore enter'd into, shall be brought and commenced within Three Years after the End of this present Session of Assembly, and not afterwards.

PROVIDED, That this Act, nor any Thing herein contained, shall bar his Sacred Majesty, his Heirs and Successors, nor the Right Honourable the Lord Proprietary, his Heirs and Successors, from suing in their own Right at any Time : And, if any Person entitled to sue such Bond, shall be at the Time of any Cause of Action on such Bond, under the Age of One and Twenty Years, *Feme Covert*, *Non Compos Mentis*, Imprisoned, or beyond the Sea, that then such Person or Persons shall be at Liberty to bring his, her, or their Action within the Space of Five Years after such Impediment remov'd, as other Persons having no such Impediment might or should have done.

A Supplementary ACT to the Act, Intituled, An Act, to prevent the Abuses of concealing convicted Felons, and other Offenders imported into this Province; and for the better Discovery of them.

FORASMUCH as it appears to this General Assembly, That the Oath or Affirmation prescribed by the before recited Act, to be taken by any Person importing or bringing into this Province any Servant or Servants, is too extensive, and includes a Discovery of Offences never intended by the said Act.

BE IT ENACTED AND DECLARED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Masters of Vessels, and other Persons whatsoever, bringing any Servant or Servants into this Province, by Land or Water, shall only be obliged to declare to the Naval Officer of the Port or District, into which such Servant or Servants shall be imported or brought, upon Oath (or Affirmation if a Quaker) to the best of their Knowledge, whether such Servant or Servants be then under the Sentence of Transportation ; and if so, for what Offence, and the Term of Years they have to serve : Any Thing in the said recited Act to the contrary thereof, in anywise, notwithstanding.

An ACT impowering a Committee to lay, assess, and apportion the Publick Levy for this present Year One Thousand Seven Hundred and Twenty Nine.

WHEREAS this present General Assembly have, for the defraying the Publick Charge of this Province, to the Eighth Day of *August* Instant, raised a certain Sum of Tobacco and Money amounting to Three Hundred and Fifty Three Thousand Four Hundred and Fifty Two Pounds of Tobacco; and Three Hundred and Thirty One Pounds, Nineteen Shillings and Six Pence Current Money, as by the Journal of the Committee of Accounts appears: But by Reason more Publick Charges may arise and grow due before the usual and accustomed Time of Payment, which is the Tenth of *November* yearly; at which Time, again to call and convene the whole Assembly for that Occasion only, considering the great Number of them, and the Remoteness of their Habitations from the Place appointed, would be very chargeable and troublesome to the whole Province in General:

BE IT ENACTED, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable Edward Henry Calvert, Esq; Col. William Holland, John Hall, Philemon Lloyd, and Benjamin Tasker, Esqrs; Members of his Lordship's Honourable Upper House of Assembly, and the Honourable Col. John Mackall, Mr. Philip Key, James Harris, Esq; John Beale, Esq; Col. John Fendall, Mr. George Dasbiell, James Holiday, Esq; Col. William Ennalls, Mr. William Hamilton, Mr. Joshua George, Mr. Ralph Crabb, and Mr. William Hemsley, of the Honourable Lower House of Assembly, or the major Part of them, be and appear at the City of Annapolis, the Fourth Tuesday of October next, then and there to lay and assess the Publick Levy already raised; and also to allow, levy, and assess what further Charges may accrue, which to them shall justly appear to be due from the Publick, not exceeding Two Hundred Thousand Pounds of Tobacco, and Five Hundred Pounds Current Money of this Province, more than what is already raised: And likewise to apportion, order, and pay out of the Publick Treasury of this Province, the Sum of Three Hundred and Thirty One Pounds, Nineteen Shillings, and Six Pence Current Money of this Province, to the several Persons to whom the same shall be due, as by the Journal of the Committee of Accounts, appears: And a fair Journal of all their Proceedings to be delivered to the Clerk of the Lower House of Assembly, for Satisfaction of all Persons therewith concern'd, by the Thirtieth Day of November next. And if it shall happen, that his Excellency shall please to convene an Assembly before the Fourth Tuesday of October next aforesaid, then this present Act, and every Clause therein contained, shall be Void and of no Force.



Jury of the 9th
(73)

TWO PRIVATE LAWS were also Enacted this Session; the Titles whereof are as follow, viz.

An Act for the Naturalization of Christian Peters, of Cecil County, a Native of Germany.

An Act to confirm a Deed of Bargain and Sale from Stephen Yoakley to Thomas Colmore.



Advertisement.

BY the LAWS made this last Session of Assembly, some former Acts, which are printed in the Whole Collection, are *Repeal'd*, and others *Reviv'd*: Therefore the *Printer* has made the following Memorandums, for the Ease of those who have the said Bound Collection, that they may mark out, with their Pens, those LAWS that are *Repeal'd*, to prevent Mistakes hereafter, viz.

ACTS Repeal'd this Session.

THAT Part of the *Act against Forging and Counterfeiting of Foreign Coins*, which relates to the *Clipping* thereof (printed in Page 48, 49, of the Bound Body of Laws) is *Repeal'd*, by an Act made this Session, printed in Page 1, of this Book.

An Act against Ingrossers and Regrators, made in the Year 1704, and printed in Page 36, 37, of the Bound Body of Laws, is *Repeal'd*, by an Act made this Session, printed in Page 20, 21, of this Book.

An Act providing what shall be good Evidence, &c. printed in Page 134, &c. of the Bound Body of Laws, is *Repeal'd*, by an Act made this Session, printed in Page 23, &c. of this Book.

ACTS Reviv'd this Session.

AN *Act ascertaining the Gauge and Tare of Tobacco Hogsheads, &c.* printed in Page 181, &c. of the Bound Body of Laws, is *Reviv'd* and *Continu'd*, by an Act made this Session, and printed in Page 3, of this Book.

An Act to restrain the ill Practices of Attorneys, &c. printed in Page 283, &c. of the Bound Body of Laws, is *Reviv'd* and *Continu'd*, by an Act made this Session, and printed in Page 28, of this Book.

